

REMARKS

Claims 1-5, 8-12 and 15-18 are pending. Claims 1, 8 and 15 have been amended, no new matter was added.

Claim Objections

The Patent Office objected to claim 13 for failing to further limit the subject matter of a previous claim.

Claim 13 has been canceled without prejudice.

Claim Rejections- 35 USC § 103

The Patent Office rejected claims 1-5, 8-13 and 15-18 under 35 USC § 103(a) as being unpatentable over Fuchs et al., U.S. Patent No. 6,141,770 (Fuchs).

Applicant respectfully traverses the rejection. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Applicant respectfully submits that elements of claims 1, 8 and 15 have not been taught, disclosed or suggested by Fuchs. For example, claims 1, 8 and 15 recite comparing first and second items of data, transferring a matching item of data to a requestor when the first item of data matches the second item of data; reading the third item of data only when the first item of data and the second item of data do not match, wherein the third item of data is compared with at least one of the first item of data or the second item of data.

The Patent Office correctly states that Fuchs fails to disclose comparing first and second items of data, and if they do not match, reading and comparing a third item of data to one of the first and second items of data. (Office Action of February 3, 3, 2005, Page 3). The Patent Office further correctly states that Fuchs discloses reading a first item of data from a first CPU, a second item of data from a second CPU, and a third item

of data from a third CPU. (Office Action of February 3, 2005, Page 3). This is contrary claims 1, 8 and 15.

The present invention is directed to fast data access while employing data verification, without involving a significant performance degradation. (Instant Application, Page 2, Lines 22-22, Emphasis Added). Claims 1, 8 and 15 recite a third item of data from a third data storage device is only read when the first item of data and second item of data do not match. (Emphasis added). Fuchs, as correctly stated by the Patent Office, reads data items from at least three CPUs constantly. Consequently, Fuchs does not teach, disclose or suggest comparing first and second items of data, transferring a matching item of data to a requestor when the first item of data matches the second item of data; reading the third item of data only when the first item of data and the second item of data do not match, wherein the third item of data is compared with at least one of the first item of data or the second item of data.

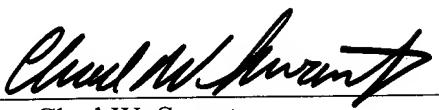
As a result, Fuchs fails to teach, disclose or suggest every element of claims 1, 8 and 15. Under *In re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1, 8 and 15. Consequently, claims 1, 8 and 15 should be allowed, claims 2-5, 9-12 and 16-18 should be allowed due to their dependence upon an allowable base claim.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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